



I Am an Employer...

E3

How Do I...Complete Form I-9,
Employment Verification?



U.S. Citizenship
and Immigration
Services

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All U.S. employers are required by law to verify the employment eligibility of all employees employed in the United States (U.S.) regardless of the immigration status of the employees. Employers who hire or continue to employ individuals knowing that they are not authorized to be employed in the U.S. may face civil and criminal penalties. **Form I-9, *Employment Eligibility Verification***, must be completed on behalf of every employee, including U.S. citizens, permanent residents, and temporary foreign workers, to give evidence of the employer's compliance with the law and the employee's work authorization. Through the Form I-9 verification process, employers ensure that employees possess proper authorization to work in the U.S. and that hiring practices do not unlawfully discriminate based on immigration status.

Who is responsible for completing the different sections of the I-9?

The employee is obligated to complete Section 1, Employee Information and Verification, of the Form I-9 at the time of hire.

The employer is obligated, after physically examining the documents presented by the employee, to complete Section 2, Employer Review and Verification, and Section 3, Updating and Reverification (if applicable), of the Form I-9.

When should Section 1 of Form I-9 be completed?

Section 1 should be completed and signed by every newly hired employee (**an employee who has accepted the position**) on or before the first date of employment, regardless of his or her immigration status. The employee must attest that he or she is a U.S. citizen, a lawful permanent resident, or is otherwise authorized to work for the employer in the U.S. The employee must present documentation to the employer establishing identity and employment eligibility in accordance with the special instructions regarding the most current list of acceptable documents located on our website at www.uscis.gov.

When should Section 2 of Form I-9 be completed?

Section 2 of the Form I-9 must be completed and signed by the employer, within three business days of hire, whether the he or she employs thousands of employees or only one. If the employment

relationship will last less than three days, then the employer must verify the documentation on the date of hire.

In addition, the employee may in certain instances use receipts in lieu of original documents in the Form I-9 process. If an individual's document has been lost, stolen, or damaged, then he/she can present a receipt for the application for a replacement document. The replacement document needs to be presented to the employer within 90 days of hire, or, in the case of re-verification, the date the employment authorization expires.

It is important to note that a receipt for an application for an initial or renewal (as opposed to a replacement) USCIS Employment Authorization Document (EAD) filed on a **Form I-765, *Application for Employment Authorization***, is NOT an acceptable document for Form I-9 verification purposes. For more information on the "receipt rule," see Employer Information Bulletins 101-103 on our website at www.uscis.gov.

The employer must physically examine the documentation establishing identity and employment eligibility presented by the employee. The most recent acceptable documentation can be found on our website at www.uscis.gov:

- List A (documentation establishing both identity and authorization to work)
- List B (documentation establishing only identity)
- List C (documentation establishing only authorization to work)

The employee may elect to provide one document from List A, or two documents—one from List B and one from List C.

When should Section 3 of Form I-9 be completed?

Employers should complete Section 3 of the Form I-9 when updating and re-verifying the employment authorization of an employee whose previous valid authorization has expired. Section 3 is inapplicable to employees who are U.S. citizens or permanent residents. Section 3 should only be completed when the employee denotes that he or she is an alien authorized to work until a certain date in Section 1 of the Form I-9. For example, when a USCIS-issued employment authorization document is scheduled to expire, the



employer must re-verify that the employee has renewed his/her authorization to work and has a valid document from either List A or one from both List B and List C in his/her possession. The employee can chose which documents to provide.

Except for employees who are U.S. citizens or permanent residents, employers should re-verify the employment authorization of each employee who has presented evidence of work authorization that contains an expiration date.

What if the employee only has temporary work authorization?

An employee that has been issued temporary work authorization must produce proof of continued work authorization before the date of expiration.

Can I tell a potential employee what documents to present for verification?

No, an employer cannot tell an employee what documents to present for I-9 purposes. Employers may, however, direct the employee to the list of acceptable documents shown on the back of Form I-9 as well as the special instructions regarding the most current list of acceptable documents located on our website at **www.uscis.gov**. If an employee presents a document that is not one of the acceptable documents, an employer should ask for additional proof of identity and/or employment authorization.

How do I know if a document is genuine or false?

An employer is not required to know with absolute certainty whether a document is genuine or false. The law merely requires that an employer examine the original of the document (not a photocopy) and make a good-faith determination that the document:

- Appears to relate to the employee;
- Appears to be genuine; and
- Is listed as an acceptable document on the back of the Form I-9.

Please note that the rejection of a document that later proves to be genuine could result in a violation of the anti-discrimination provisions of immigration law.

Can photocopies be accepted?

No, employees must present original documents. The only exception is that a newly hired employee may present a certified copy of a birth certificate.

How long should the Form I-9 be retained?

The Form I-9 should be retained for three years after the date of hire, or one year after the date employment ends, whichever is **later**.

How can I get more information about the Form I-9?

The **M-274**, *Employer Handbook*, contains the instructions for completing the Form I-9. Both the Form I-9 and the handbook can be downloaded from our website at **www.uscis.gov**. We also have additional information about the Form I-9 on our website under "Employer Information."

Key Information

Key forms referenced in this Fact Sheet	Form #
Employment Eligibility Verification	I-9
Application for Employment Authorization	I-765
Employer Handbook	M-274

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- **On the Internet at: www.uscis.gov**
For more copies of this Fact Sheet, or information about other citizenship and immigration services, visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start! If you don't have Internet access at home or work, try your library. If you can't find what you need, call customer service.
- **Customer Service: 1-800-357-2099**
- Hearing Impaired TDD Customer Service: 1-800-278-5732

Disclaimer: This Fact Sheet is a basic guide to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, see our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.

Other U.S. Government Services—click or call		
In general	www.firstgov.gov	1-800-333-4636
U.S. Department of State	www.state.gov	1-202-647-6575